

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

G. CONWAY, INC.,

Defendant

and

BOWDOIN CONSTRUCTION CORP.,

Reach-and-Apply Defendant

and

FLEET,

Trustee

C.A. No. 05-10072 MEL

ORDER FOR PRELIMINARY INJUNCTION

This matter, having come before me on the Plaintiffs' Motion for Preliminary Injunction, and upon consideration of the motion, memorandum of law, and affidavits on file, I find that:

- 1) Plaintiffs have exhibited a likelihood of success on the merits;
- 2) The reach-and-apply defendant's secreting, concealing, destroying, damaging, selling, transferring, pledging, encumbering, assigning, or in any way or manner disposing of or reducing the value of, or making any payment to defendant Conway on account of sums that are due or will hereafter become due Conway from Bowdoin will result in irreparable

- injury, loss and damage to the plaintiffs;
- 3) The issuance of a preliminary injunction herein will not cause undue inconvenience or loss to the reach-and-apply defendant but will prevent irreparable injury to the plaintiffs, and would further the public interest;
 - 4) There is no adequate remedy at law;
 - 5) There is no known insurance available to satisfy the judgment the plaintiffs will obtain against defendant Conway; and
 - 6) The funds held by Bowdoin cannot be attached or taken on execution except pursuant to G.L. c. 214, §3(6).

WHEREFORE, it is hereby ORDERED that:

Plaintiffs shall be granted a preliminary injunction and the reach-and-apply defendant and its agents, servants, employees, attorneys, and upon those persons in active participation or concert with it and those persons acting at its command who receive actual notices of a Preliminary Injunction order by personal service or otherwise, and each and every one of them, shall refrain from secreting, concealing, destroying, damaging, selling, transferring, pledging, encumbering, assigning, or in any way or manner disposing of or reducing the value of, or making any payment to defendant Conway on account of sums that are due or will hereafter become due Conway from Bowdoin.

SO ORDERED.

The Honorable Morris E. Lasker
United States District Court

Dated: _____